

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

IN THE MATTER OF THE SEARCH OF:
10 Williams Way
Lyndeborough, NH 03082

Case No. 24-mj-22-01-AJ

FILED UNDER SEAL

AFFIDAVIT IN SUPPORT OF AN APPLICATION
UNDER RULE 41 FOR A WARRANT TO SEARCH AND SEIZE

I, Timothy Hoover, a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives, having been duly sworn, state:

INTRODUCTION

1. I make this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a warrant to search the curtilage surrounding the residence of Troy MELVIN, located at 10 Williams Way, Lyndeborough, NH 03082, hereinafter “PREMISES,” for the items described in Attachment B.

2. The information contained in this affidavit is based on my personal involvement in this investigation, my training and experience, my review of documents, and information provided to me by other law enforcement officers. Since this affidavit is being submitted for the limited purpose of securing a search warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause for the requested warrant.

3. I am a Special Agent employed by the Bureau of Alcohol, Tobacco, Firearms, and Explosives (“ATF”). As such, I am a law enforcement officer of the United States within the meaning of Section 2510(7) of Title 18 of the United States Code; that is, an officer empowered by law to conduct investigations of, and make arrests for, offenses enumerated in Section 2516

of Title 18. I have been employed by ATF since 2001 as a Special Agent. I have completed the Criminal Investigator Training Program and the ATF Special Agent Basic Training program, both of which are conducted at the Federal Law Enforcement Training Center in Glynn County, Georgia. I have received specialized training in firearms identification and the investigation of firearms-related offenses. I have participated in investigations involving the unlawful possession of firearms by prohibited persons, including persons who are previously convicted felons; the possession of firearms in furtherance of the distribution of narcotics; and the use of firearms in the commission of violent acts. I have participated in investigations involving individuals who unlawfully possess firearms, of individuals illegally selling firearms, and of individuals distributing illegal drugs. As such, I have coordinated the controlled purchases of illegal firearms and narcotics utilizing confidential sources, cooperating witnesses and undercover law enforcement officers; written, obtained and coordinated the execution of search and arrest warrants pertaining to individuals involved in the illegal possession and distribution of firearms and narcotics; conducted electronic and physical surveillance of individuals involved in illegal drug distribution; analyzed records documenting the purchase and sale of firearms and illegal drugs; provided testimony, both in Grand Jury proceedings and District Court proceedings; and spoke with informants and subjects, as well as local, state and federal law enforcement officers, regarding the manner in which individuals obtain, finance, store, manufacture, transport, and distribute their illegal firearms and drugs. In addition, I have been involved in the investigation of street gangs, including gangs with a national presence as well as locally based gangs. I have received training, both formal and on-the-job, in the provisions of the federal firearms and narcotics laws administered under Titles 18, 21 and 26 of the United States Code.

4. I am currently assigned to the ATF Manchester Field Office, and I am conducting an investigation into the alleged possession and subsequent discharge of a firearm by Troy MELVIN, a convicted felon.

5. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe the PREMISES contains evidence of violations of Title 18 U.S.C. § 922 (g) (1) (Possession of a Firearm by a Convicted Felon) and Title 18 U.S.C. § 924(c) (Possession of a Firearm in Furtherance of a Crime of Violence).

PROBABLE CAUSE

Background

6. On or about December 29, 2023, I reviewed the criminal history of Troy R. MELVIN (MELVIN). According to the Interstate Identification Index, MELVIN was found guilty of Forgery Government Instrument, Check on November 13, 2014, which is a felony punishable by a term of imprisonment exceeding one year, and Control Drug: Prohibited Acts on October 27, 2015, by the Hillsborough South Court, which is also a felony punishable by a term of imprisonment exceeding one year. Therefore, MELVIN is prohibited from possessing firearms under 18 U.S.C. 922(g)(1).

Arrest of MELVIN on November 22, 2023

7. Lyndeborough Police Department (LPD) Arrest Report 23LYN-8-AR dated December 29, 2023, indicates that MELVIN was involved in a domestic disturbance with Jessie Duquette, MELVIN's live in girlfriend on Saturday, November 22, 2023, at their residence, the PREMISES.

8. The PREMISES is the curtilage of a single-family light colored trailer home with a dark colored accent stripe that extends around the top of the exterior of the trailer.

9. According to Duquette, MELVIN went to Duquette's place of work on November 22, 2023, and asked to get in Duquette's vehicle to get warm. MELVIN stated to Duquette that he had jumped out of his father's vehicle. Duquette gave MELVIN the keys to get in her car to get warm.

10. At lunch time, Duquette went out to her vehicle, and MELVIN was asleep in her car. Duquette decided to drive MELVIN back to their residence. Upon arriving at their residence, Duquette woke MELVIN up. MELVIN became angry and began punching the dashboard and windows in the car. Duquette exited the vehicle and began walking backwards away from the vehicle. MELVIN exited the vehicle and produced a knife and a pistol. MELVIN threatened to slash the vehicle tires and then asked Duquette which one she wanted, while displaying the knife and gun.

11. MELVIN's father called Duquette while she was retreating backwards. Duquette informed MELVIN's father that MELVIN had a gun. At that point, MELVIN fired two or three rounds in Duquette's direction.

12. At some time during this incident MELVIN's father called the police.

13. After firing the shots, MELVIN barricaded himself inside the residence.

14. Lyndeborough Police Department requested assistance from Mont Vernon Police Department (MVPD) and Wilton Police Department (WPD) because there was a caution warning on that location for MELVIN and firearms. MVPD and WPD responded to the location. Because of the barricade situation, LPD requested New Hampshire State Police (NHSP) Special Weapons and Tactics (SWAT).

15. At approximately 1636 hours law enforcement was able to convince MELVIN to surrender peacefully.

16. MELVIN was placed into custody with the Lyndeborough Police Department.

17. NHSP did a safety sweep in the residence but did not see a weapon.

18. LPD Sgt. Hervieux asked MELVIN if he would make it easy on everyone and tell them where the weapon was. MELVIN replied, “You’ll never find it, I hid it real good.”

19. Jessie Duquette and Theresa “Terri” Gonio (MELVIN’s sister) were inside the nearby neighbor’s house at 7 Williams Way, Lyndeborough, NH 03082. Once MELVIN was in custody, Duquette and Terri Gonio came outside. According to a report by Lyndeborough Police Department, while waiting for a search warrant for the residence to be obtained, Sgt. Keith Hervieux asked both Ms. Duquette and Ms. Gonio “if they knew where Troy would have hidden the gun.” Ms. Duquette and Ms. Gonio responded that they probably know where the gun was. A short time later the two came out of the residence with a gun safe that looked like a New English Dictionary. The safe was unlocked and had a loaded black pistol (EXCAM, model GT27, .25 caliber pistol, serial number: M52384). A preliminary review of this firearm by a nexus expert indicates that this firearm did travel in interstate commerce.

20. LPD officers attempted to locate the shell casings following the arrest. Due to the snow fall the night prior, the ground becoming muddy, and the heavy foot traffic from law enforcement officers, no shell casings were located.

21. I know from my training and experience that a semi-automatic pistol such as the EXCAM firearm found in this case would expel a spent shell casing into the air, to land in an unknown area, upon firing. The casing would also have gunshot residue on it. Below is a photograph of the firearm:



Photo of EXCAM .25 cal pistol and magazine from arrest

Interview of Jessie Duquette

22. On or about January 24, 2024, myself and SA James Martin interviewed Jessie Duquette (Duquette) at the Brookline Police Department regarding her knowledge of MELVIN's possession of firearms.

23. I asked Duquette when was the first time that she saw MELVIN with the gun. Duquette said that it was in the summertime after she moved in (March 2023) with him at the PREMISES. Duquette said that she followed MELVIN outside after arguing with him. Duquette stated that as she approached MELVIN at his truck, he (MELVIN) turned and pointed the gun at her.

24. SA James Martin asked Duquette how she knew that MELVIN was a felon. Duquette said that she had known MELVIN for 20 years. SA Martin asked if MELVIN had ever told her he was a felon, Duquette nodded her head up and down indicating yes.

25. During my interview with Duquette, she stated that MELVIN had sent her pictures of himself with the firearm a day or two before the incident. Duquette also said that MELVIN had gone to her daughter's father's residence the night before and made threats to hurt him (daughter's father) via text message. Duquette allowed investigators to photograph her phone and also emailed photos to investigators to get better clarity on the photos that were being texted to her on/about November 21 and 22, 2023. Here are the following relevant text messages and photos that were observed on Ms. Duquette's phone:

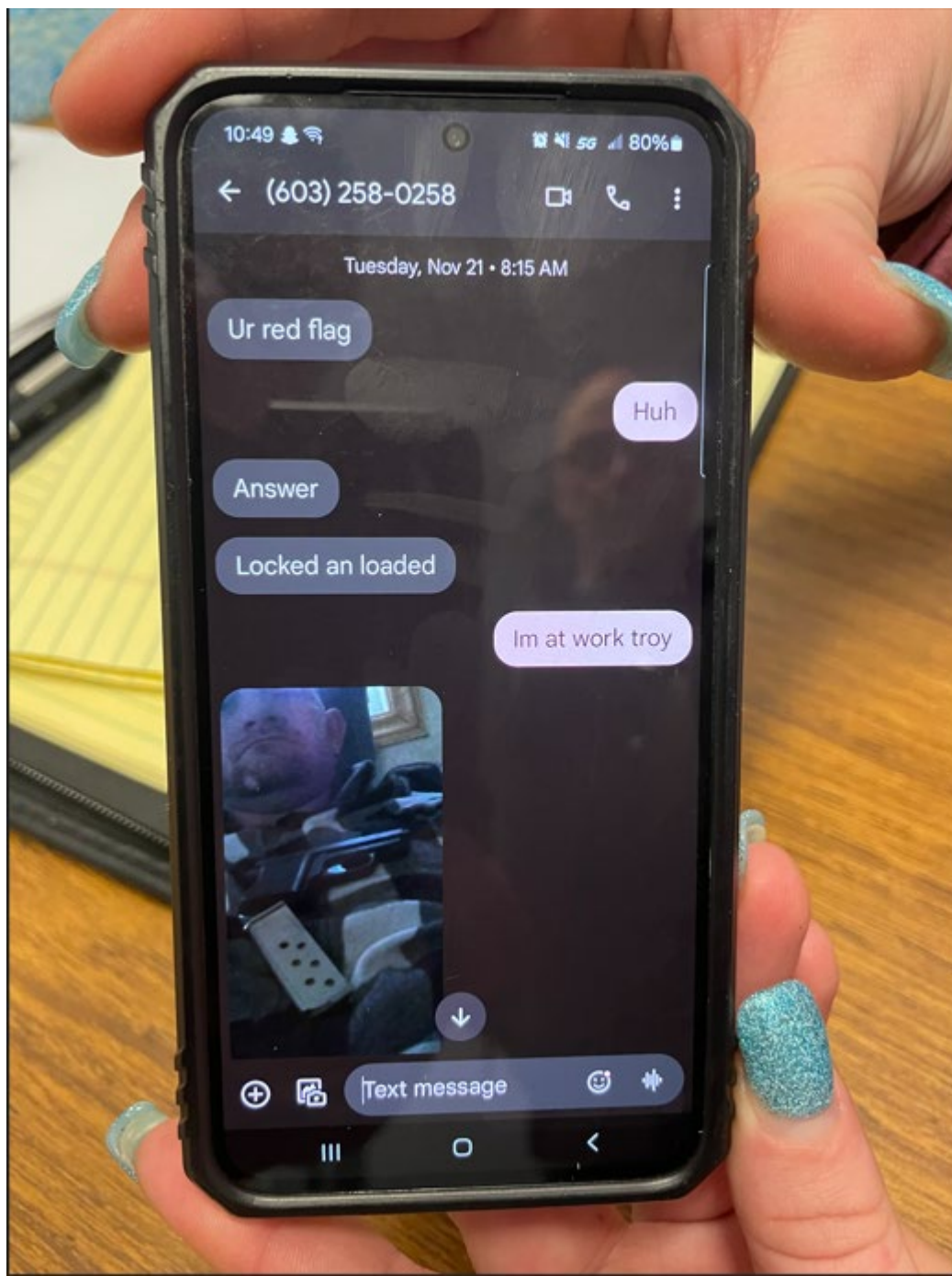
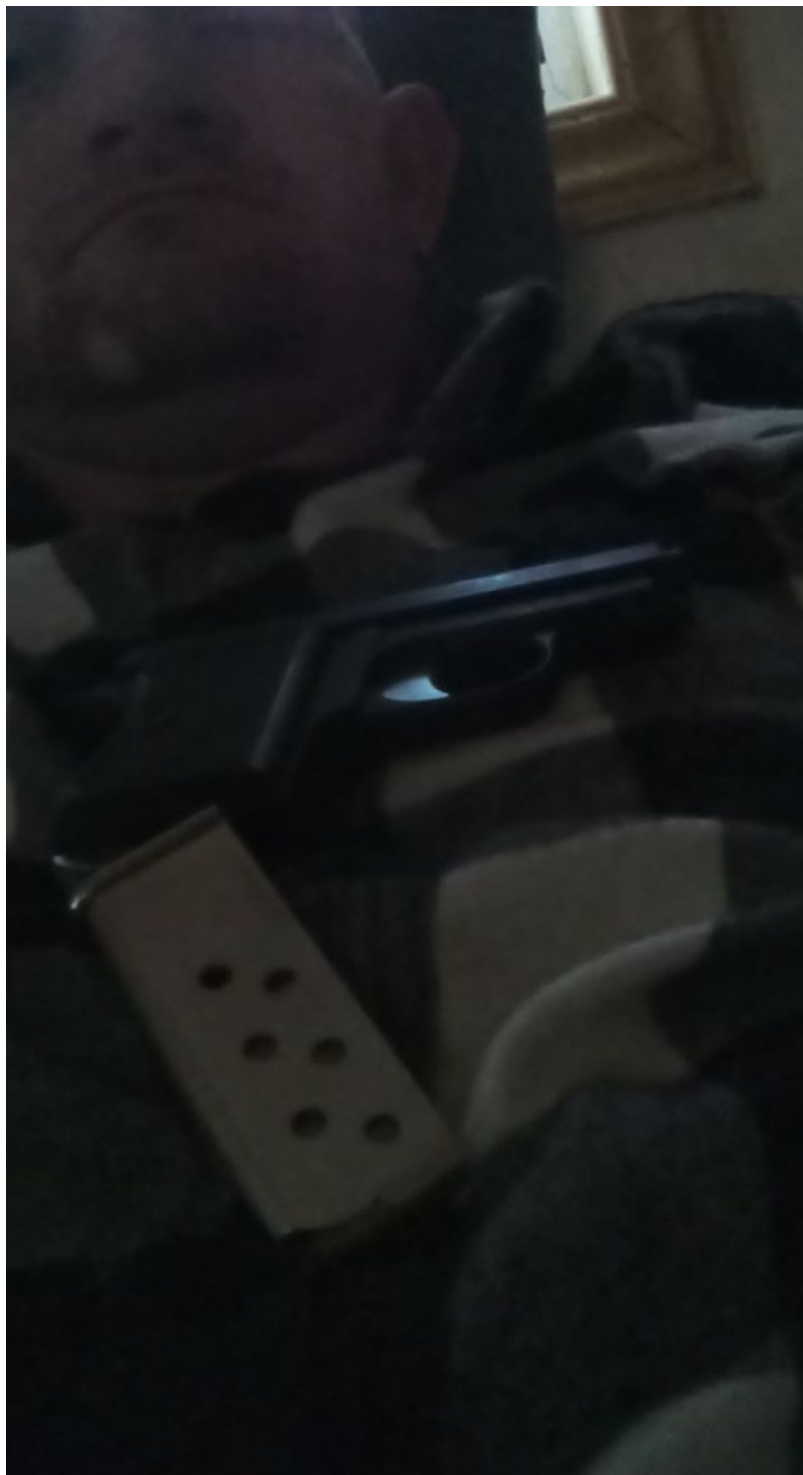
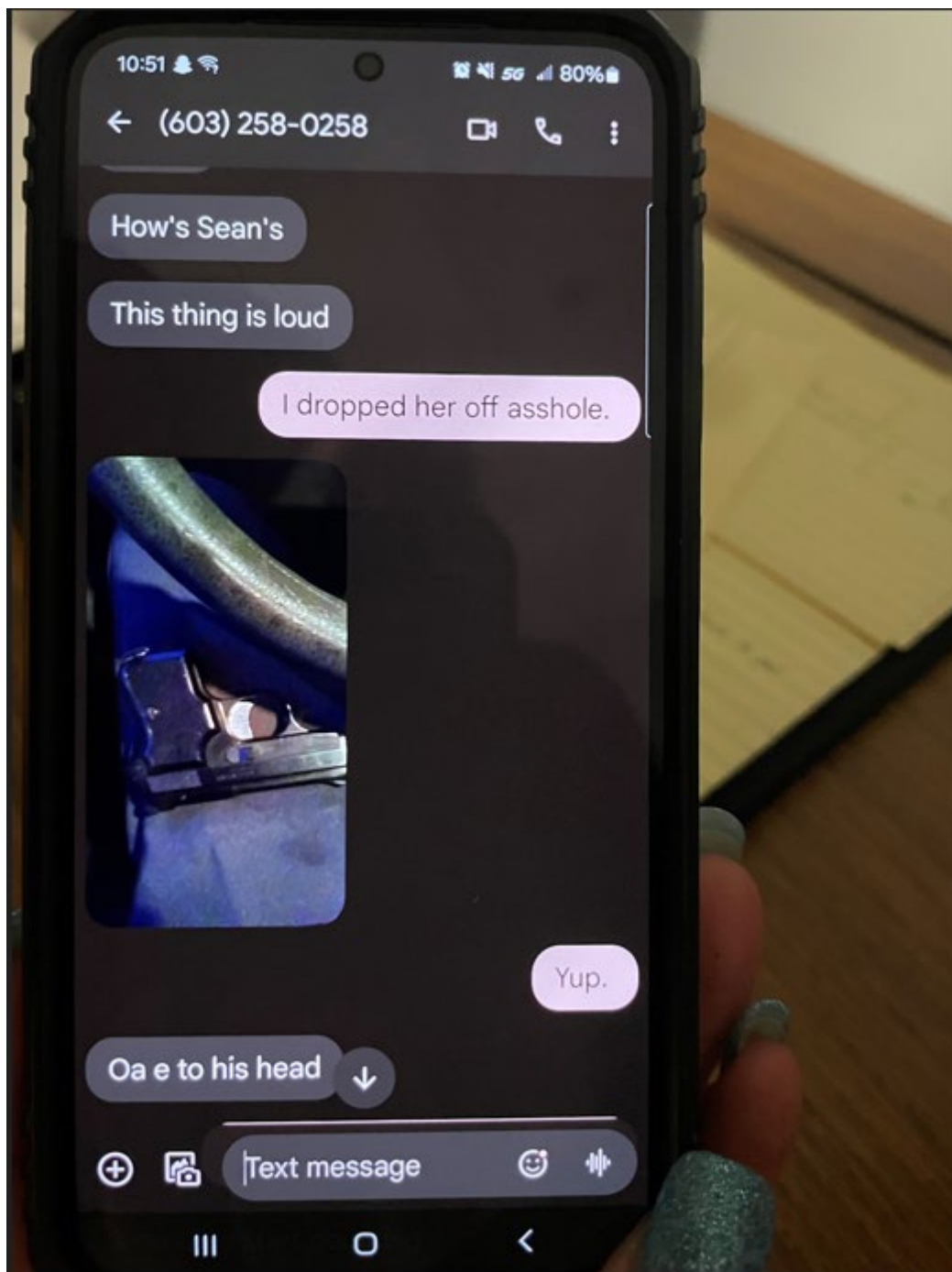


Photo of MELVIN with gun and text messages dated Tuesday, November 21, 2023



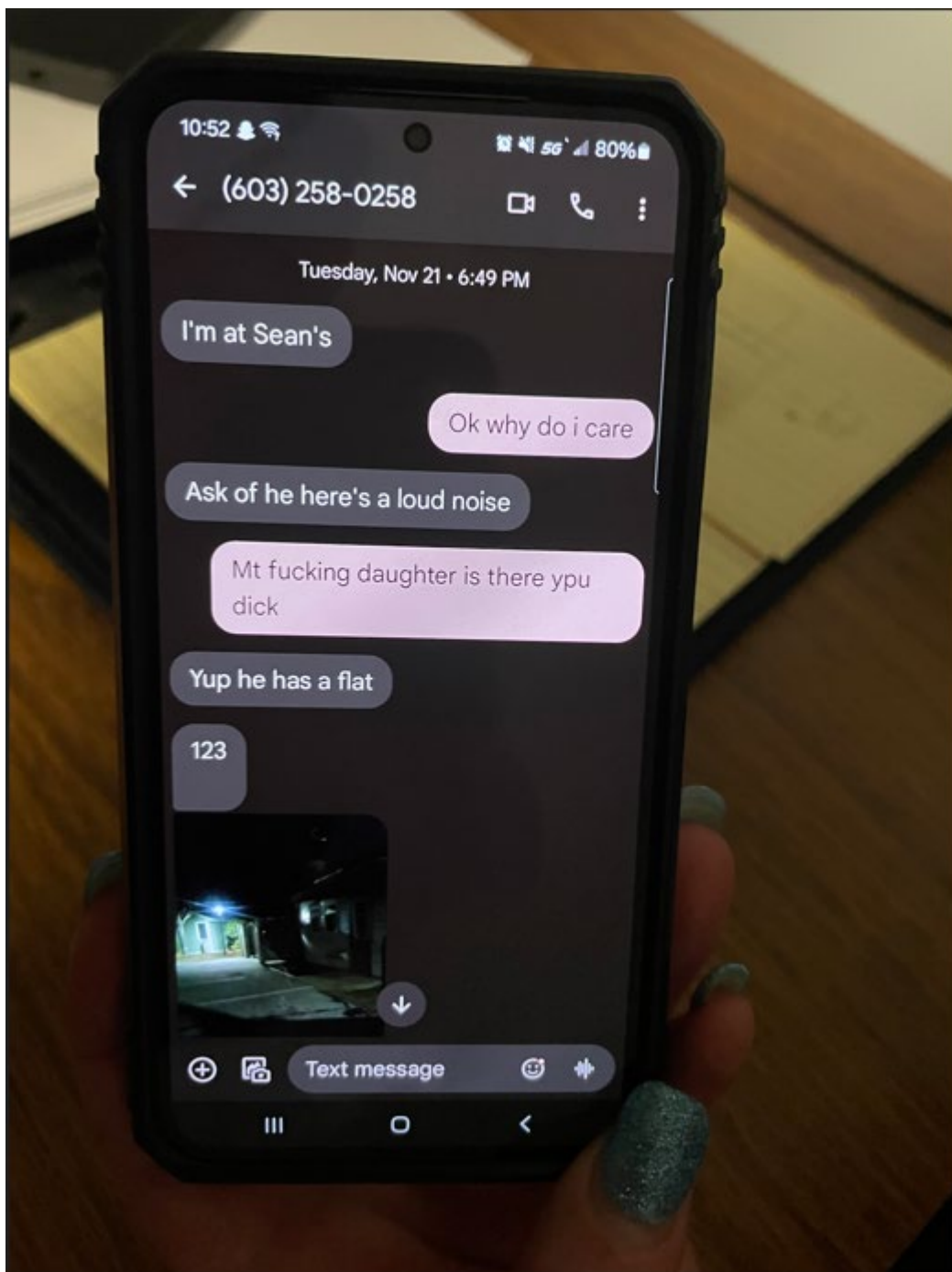
Close Up of Photo from Text Messages on November 21, 2023



Pistol in MELVIN's lap and threatening text later in the day on November 21, 2023



Close up of Photo texted on November 21, 2023, of what appears to be the same EXCAM pistol in MELVIN's lap in a vehicle



Picture and text indicating MELVIN is at daughter's father's residence on the evening of November 21, 2023



Close up of photo texted on November 21, 2023 of Duquette's daughter's father's residence, as identified by Duquette

Weather in Lyndeborough, New Hampshire and Durability of Shell Casings

26. Since MELVIN's arrest on November 22, 2023, I have been informed that MELVIN has been incarcerated on charges in state court, and therefore he has not returned to his residence at the PREMISES.

27. In addition to the snowfall on November 22, 2023, I am aware that there have been significant snow accumulations in that area since that date which would prevent a visual search of the premises from being done. Specifically, on February 1, 2024, the Chief of Lyndeborough police indicated that Lyndeborough had about eight (8) inches of fresh snow fall from the storm on Sunday, January 28, 2024.

28. I researched the snow history for Lyndeborough, NH online and found the following information from a weather tracking website hosted by WeatherWorks, LLC at the website:

<https://certifiedsnowfalltotals.com/storm_history/history/NH/1270/56903/Lyndeborough%2C%2003082> (site last visited on 2/9/2024) which provided the following information relative to a history of precipitation in Lyndeborough, NH:

Date	Precipitation	Summary
February 2nd, 2024	Freezing Rain	Overnight Freezing Drizzle February 2 nd
January 30th - 31st, 2024	Wintry Mix	Overnight Light Wintry Mix January 30-31
January 29th - 30th, 2024	Wintry Mix	Flurries Then Some Freezing Drizzle January 29-30
January 28th - 29th, 2024	Snow / Sleet	Coastal System Produces Heavy, Wet Snow January 28-29
January 26th - 27th, 2024	Wintry Mix	Wintry Mix on January 26-27
January 24th, 2024	Freezing Rain	Some Evening Freezing Rain January 24th
January 23rd - 24th, 2024	Snow	Periods of Light Snow January 23-24
January 20th, 2024	Snow	Late Day Light Snow January 20th
January 16th, 2024	Snow	Another Snowy System For New England January 16th
January 14th, 2024	Snow	Late Day Snow Showers January 14th
January 9th, 2024	Wintry Mix	Late Day Snow Changes To Rain January 9th
January 6th - 7th, 2024	Snow	Coastal System Produces Significant Snowfall January 6-7
January 4th, 2024	Snow	Early Afternoon Snow Showers January 4 th
December 23rd, 2023	Wintry Mix	Late Evening Light Mix December 23rd
December 13th, 2023	Snow	Early Evening Snow Showers December 13th
December 6th, 2023	Snow	Morning Light Snow December 6th
December 3rd, 2023	Snow	Period of Wet Snow December 3rd
November 21st - 22nd, 2023	Snow / Sleet	Overnight Wet Snow November 21-22

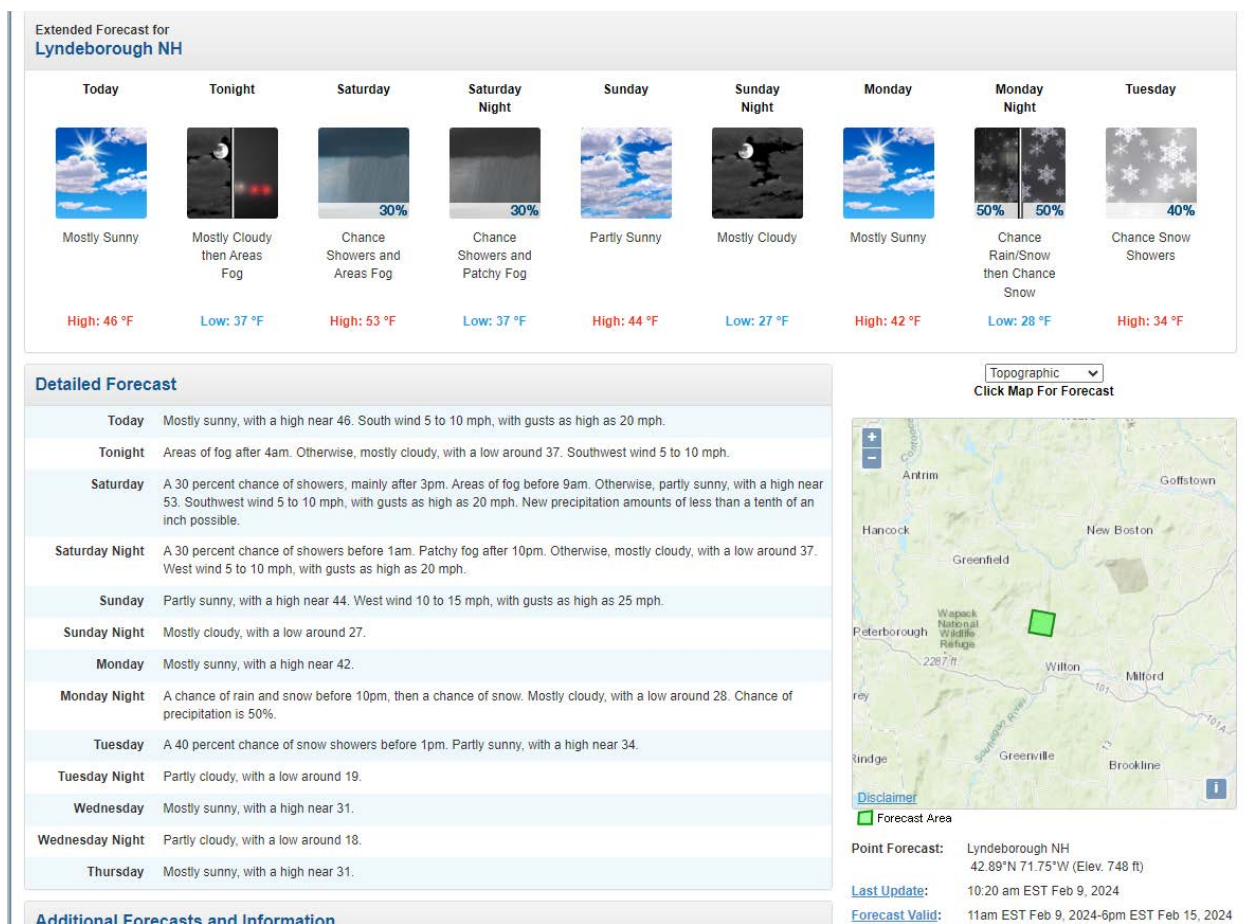
29. Given that the large accumulation of snow would hinder a visual search to date, I believe that the snow coverage to date has made it likely that the spent shell casings still remain within the curtilage of the PREMISES.

30. I know from my training and experience that shell casings are durable items. I know that shell casings are made of metal and would not be likely to degrade or be consumed by animals.

31. I understand that the weather forecast for today and this weekend is conducive to melting snow, which would allow for a search of the ground area outside the house.

Specifically, according to the National Weather Service's website at

<<<https://forecast.weather.gov/MapClick.php?CityName=Lyndeborough&state=NH&site=BOX&textField1=42.9&textField2=-71.75&e=0>>> (visited 2/9/24) indicated that the detailed forecast is as follows:



32. The search would take place on Monday, February 12, 2024 when hopefully most of the snow is melted. Additionally, a metal detector will be used to search for the shell casings. If this warrant is granted, efforts will also be made to secure an ATF canine that is trained to detect the odor of gunshot residue and other propellants for any potential live or spent shell casings.

CONCLUSION

33. For the reasons described above, I submit there is probable cause to believe that evidence and fruits of violations of Title 18, United States Code, Sections 922(g) and 924©, as described in Attachment B, will be found be searching the location described in Attachment A.

Respectfully submitted,

/s/ Timothy Hoover

Timothy Hoover

Special Agent

Bureau of Alcohol, Tobacco, Firearms and
Explosives

The affiant appeared before me by telephonic conference on this date pursuant to Fed. R. Crim. P. 4.1 and affirmed under oath the content of this affidavit and application.

Date: **Feb 9, 2024**

Time: **5:20 PM, Feb 9, 2024**

Andrea K. Johnstone



ANDREA K. JOHNSTONE
UNITED STATES MAGISTRATE JUDGE

ATTACHMENT A

Property to Be Searched

1. The property to be searched is the curtilage of 10 Williams Way, Lyndeborough, NH 03082 (the “PREMISES”).
2. The PREMISES is the curtilage of a single-family light colored trailer home with a dark colored accent stripe that extends around the top of the exterior of the trailer.
3. Here is a photo of the PREMISES as it appeared on November 22, 2023, taken from the badge camera of a SWAT member who responded to the scene:



ATTACHMENT B

Particular Things to be Seized

Live or spent shell casings.